

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

<b>BAYER CROPSCIENCE, LP,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>Civil Action No.</b>
	:	<b>7:04-cv-92 (HL)</b>
<b>NICK BOOTH, MARY JO BOOTH,</b>	:	
<b>KEITH COX, KENNETH LEE,</b>	:	
<b>DOLLY LEE, HAROLD TINER, ERA</b>	:	
<b>TINER, and STEPHEN MAPLES,</b>	:	
	:	
<b>Defendants-Counterclaimants.</b>		

**ORDER**

On August 31, 2005, the Court stayed proceedings in this case until a pending and related case in the State Court of Clinch County, Georgia was resolved. The Court ordered the parties to notify the Court within sixty days of the conclusion of litigation in that case. The parties have now done so and have indicated to the Court that there are unresolved issues that remain to be adjudicated in this case. Therefore, the stay entered on August 31, 2005 is lifted.

The parties have also filed a Consent Motion to Dismiss Certain Defendants with Prejudice (Doc. 59-1), in which the parties ask the Court to dismiss seven of the eight Defendants. Pursuant to the Federal Rules of Civil Procedure, “an action may be dismissed by the plaintiff without order of the court . . . by filing a stipulation of

dismissal signed by all parties who have appeared in the action.” Fed. R. Civ. P. 41(a). Here, all parties have consented to the dismissal of the seven Defendants named in the motion; therefore, pursuant to Federal Rule of Civil Procedure 41(a), leave of court is not required to dismiss those individuals. Accordingly, Defendants Nick Booth, Mary Jo Booth, Keith Cox, Kenneth Lee, Dolly Lee, Harold Tiner, and Era Tiner are dismissed with prejudice and the Consent Motion to Dismiss Certain Defendants with Prejudice is moot. All claims against and all counterclaims of Defendant Stephen Maples remain.

**SO ORDERED**, this the 11th day of July, 2006.

/s/ Hugh Lawson  
**HUGH LAWSON, Judge**

scs